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MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			WANG, KENT F	
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			2622	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/808,868	Applicant(s) AIZAWA, TAKASHI	
	Examiner KENT WANG	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/2008 has been entered.

Response to Amendment

2. The amendments, filed on 11/21/2008, have been entered and made of record. Claims 1-41 have been amended. Claims 42-71 are pending.

Response to Argument

3. Applicant's arguments with respect to independent claims 42, 55, and 68-69 have been considered but are moot in view of the interpretation of the original cited references. With respect to dependent claims 46, 48, 53, 59, 61 and 66, a new ground(s) of rejection is made in view of the newly found prior art references.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

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pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 42, 55, and 68-69 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention (i.e. “*receives information specifying a file recorded on a recording medium*”, “*a third reception unit*”, and “*a third transmission unit*”, etc).
6. Claims 46 and 59 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention (i.e. “*requires less time to receive than the rest of the attribute information not to be received*”).
7. Claims 53 and 66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention (i.e. “*part of the attribute information of the file to be received by said second reception unit includes information obtainable without analyzing the file*”).
8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 42, 55, and 68-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The terms “*a first reception unit, a second reception unit, a third reception unit, a first transmission unit, a second transmission unit and a third transmission unit*” in claims 42, 55, and 68-69 are indefinite because the specification does not clearly define the term and even a cursory reading of the entire application reveals that these claimed terms are not present in the specification, therefore causing the claims to be unclear. Clarification on these terms is respectfully requested by the Examiner.

Claim Rejections - 35 USC § 102

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
11. Claims 42-45, 47, 49-52, 54-58, 60, 62-65, and 67-71 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tanaka, US 7,327,387.

Regarding claim 42, Tanaka discloses an information processing apparatus (a communication device 80, Fig 5) capable of communicating with an information input apparatus (an electronic camera 10, Figs 1 and 3), comprising:

- a first reception unit (a public circuit wireless communicating device 98, Fig 6) that, in a case where the information processing apparatus (80) is connected to the information input apparatus, receives information specifying a file recorded on a recording medium of the information input apparatus (performing a wireless communication to transmit and receive audio information or image data through a public circuit, as shown in step S110 of Fig 14, information processing apparatus acquiring the tag information of folder list information of each of the image, i.e. specifying a information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image) (18:52-19:11 and Fig 14);
- a second reception unit (transmitting and receiving device 100, Fig 6) that, after the reception by said first reception unit, receives part of attribute information, not all of the attribute information, of the file recorded on the recoding medium of the information input apparatus (electronic camera 10 decides whether or not a file demanded in accordance with S126 of "a demanded file is a function file?" is a function file. If the demanded file is the function file, the procedure advances to S128 of "set the image pick-up parameters on the basis of the function folder of the demanded file and the contents of the function file" to set the image pick-up

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- parameters on the basis of the designated folder name and the file name and set the image pick-up conditions) (19:66-20:7 and Fig 14); and
- a third reception unit (transmitting and receiving device 100, Fig 6) that, after the reception by said second reception unit, receives information which has not been received by said second reception unit, not all of the file, among information included in the file recorded on the recording medium of the information input apparatus (attribute information is acquired or transmitted in two separate stages: as step S110, the information processing device 44 transmits the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image stored in the storing device, and at step S132, the image data is converted into the properties of the image instructed as required and the image data is transmitted to the communication device 80 in accordance with S132 of "transmit file data") (19:12-20:16, Fig 14).

Regarding claim 43, Tanaka discloses a first reception unit (a public circuit wireless communicating device 98, Fig 6) further receives information specifying the folder recorded on the recording medium of the information input unit (as shown in step S110 of Fig 14, information processing apparatus acquiring the tag information of folder list information of each of the image, i.e. specifying a information of the file name classified for each of the parameters indicating the pick up conditions or the properties of the image) (18:52-19:11 and Fig 14).

Regarding claim 44, Tanaka discloses a first reception unit (a public circuit wireless communicating device 98, Fig 6) receives information specifying all files recorded on the

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recording medium of the information input unit (as shown in step S110 of Fig 14, information processing apparatus acquiring the tag information of folder list information of each of the image, i.e. specifying all the information of the file name classified for each of the parameters indicating the pick up conditions or the properties of the image) (18:52-19:11 and Fig 14).

Regarding claim 45, Tanaka discloses a second reception unit (transmitting and receiving device 100, Fig 6) receives part of the attribute information of a file corresponding to the information specifying the file received by said first reception unit (a public circuit wireless communicating device 98, Fig 6) (as shown in step S 110, information processing apparatus acquiring the tag information of folder list information of each of the image, i.e. the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image) (19:12-57 and Fig 14).

Regarding claim 47, Tanaka discloses the part of the attribute information to be received by said second reception unit is information managed (information processing device 44, Fig 3) by a file system of the information input apparatus (electronic camera 10, Fig 3) (7:44-64, 8:44-67).

Regarding claim 49, Tanaka discloses an information processing apparatus (a communication device 80, Fig 5) according to claim 42 further comprising:

- a first request unit (a public circuit wireless communicating device 98, Fig 6) that requests the part of the attribute information to be received by said second reception unit (transmitting and receiving device 100, Fig 6) to the information input apparatus

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- (electronic camera 10, Fig 3) (the communication device 80 sends a command for requesting the electronic camera 10 to transmit the file) (11:29-36); and
- a second request unit (a public circuit wireless communicating device 98, Fig 6) that requests the information (obtained image data) to be received by said third reception unit (transmitting and receiving device 100, Fig 6) to the information input apparatus (electronic camera 10, Fig 3) (11:29-36).

Regarding claim 50, Tanaka discloses the information received by said third reception unit is generated in response to the request by said second request unit (the electronic camera 10 receives the command of "request for connection" and sends a response for performing a subsequent connection of communication to the communication device 80 in S106 of "completion of connection", Fig 14) (18:55-19:11).

Regarding claim 51, Tanaka discloses the part of the attribute information to be received by said second reception unit includes at least one of a file name (a section flag "/F" is described indicates the display of a file name) and file size (a section flag of "/S" indicates the size information) of a file (17:41-55).

Regarding claim 52, Tanaka discloses the information to be received by said third reception unit includes at least one of thumbnail data and size of data included in the file, and size of the thumbnail data (the thumbnail 146 has image data of the main image 148 whose number of pixels (the number of pixels of VGA or XGA) is reduced to about 160.times.120 as a heading attached thereto and stored therein) (13:20-29).

Regarding claim 54, Tanaka discloses the information input apparatus is a digital camera (an electronic digital camera 210, Fig 15) (22:4-11).

Regarding claim 55, Tanaka discloses an information input apparatus (an electronic camera 10, Fig 1) capable of communicating with an information processing apparatus (a communication device 80, Fig 5), comprising:

- a first transmission unit (the antenna 62, Fig 3) that, in a case where the information input apparatus (10) is connected to the information processing apparatus (80), transmits information specifying a file recorded on a recording medium of the information input apparatus (the antenna 62 for transmitting and receiving the carrier wave and the data and a communication connector 64 for connecting together the mutual devices for transmitting and receiving the information) (a transmitting and receiving device 60 for encoding and decoding the image data or the information data of the directories or the like and transmitting or receiving the data on a carrier wave in accordance with a command from the information processing device 44) (8:19-36);
- a second transmission unit (a transmitting and receiving device 60, Fig 3) that, after the transmission by said first transmission unit (62), transmits part of attribute information, not all of the attribute information, of the file recorded on the recording medium of the information input apparatus (10) (electronic camera 10 decides whether or not a file demanded in accordance with S126 of "a demanded file is a function file?" is a function file. If the demanded file is the function file, the procedure advances to S128 of "set the image pick-up parameters on the basis of the function folder of the demanded file and the contents of the function file" to set the image pick-up parameters on the basis of the designated folder name and the file name and set the image pick-up conditions) (19:66-20:7 and Fig 14); and

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- a third transmission unit (a transmitting and receiving device 60, Fig 3) that, after the transmission by said second transmission unit (60), transmits information which has not been transmitted by said second transmission unit (60), not all of the file, among information included in the file recorded on the recording medium of the information input apparatus (10) (attribute information is acquired or transmitted in two separate stages: as step S110, the information processing device 44 transmits the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image stored in the storing device, and at step S132, the image data is converted into the properties of the image instructed as required and the image data is transmitted to the communication device 80 in accordance with S132 of "transmit file data") (19:12-20:16, Fig 14).

Regarding claim 56, Tanaka discloses a first transmission unit (the antenna 62, Fig 3) further transmits information specifying the folder recorded on the recording medium of the information input unit (as shown in step S110 of Fig 14, information processing apparatus acquiring the tag information of folder list information of each of the image, i.e. specifying a information of the file name classified for each of the parameters indicating the pick up conditions or the properties of the image) (18:52-19:11 and Fig 14).

Regarding claim 57, Tanaka discloses a first transmission unit (the antenna 62, Fig 3) transmits information specifying all files recorded on the recording medium of the information input unit (as shown in step S110 of Fig 14, information processing apparatus acquiring the tag information of folder list information of each of the image, i.e. specifying

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all the information of the file name classified for each of the parameters indicating the pick up conditions or the properties of the image) (18:52-19:11 and Fig 14).

Regarding claim 58, Tanaka discloses a second transmission unit (a transmitting and receiving device 60, Fig 3) transmits part of the attribute information of a file corresponding to the information specifying the file transmitted by said first transmission unit (as shown in step S 110, information processing apparatus acquiring the tag information of folder list information of each of the image, i.e. the information of the file name or the directory names classified for each of the parameters indicating the pick up conditions or the properties of the image) (19:12-57 and Fig 14).

Regarding claim 60, Tanaka discloses the part of the attribute information to be transmitted by said second transmission unit (a transmitting and receiving device 60, Fig 3) is information managed (information processing device 44, Fig 3) by a file system of the information input apparatus (7:44-64, 8:44-67)).

Regarding claim 62, Tanaka discloses an information input apparatus (an electronic camera 10, Fig 1) according to claim 55 further comprising:

- a first request reception unit (the antenna 62, Fig 3) that receives a first request from the information processing apparatus (a communication device 80, Fig 5) that requests the part of the attribute information to be transmitted by said second transmission unit (a transmitting and receiving device 60, Fig 3); and
- a second request reception unit (the antenna 62, Fig 3) that receives a second request from the information processing apparatus (a communication device 80, Fig 5) that

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requests the information to be transmitted by said third transmission unit (a transmitting and receiving device 60, Fig 3).

Regarding claim 63, this claim recites same limitations as claim 50. Thus it is analyzed and rejected as previously discussed with respect to claim 50 above.

Regarding claims 64, 65, and 67, these claims recite same limitations as claims 51, 52, and 54, respectively. Thus they are analyzed and rejected as previously discussed with respect to claims 51, 52, and 54 above.

Regarding claim 68, this claim differs from claim 42 only in that the claim 42 is an apparatus claim whereas claim 68 recites similar features in a method format. Thus the method claim 68 is analyzed and rejected as previously discussed with respect to claim 42 above.

Regarding claim 69, this claim differs from claim 55 only in that the claim 55 is an apparatus claim whereas claim 69 recites similar features in a method format. Thus the method claim 69 is analyzed and rejected as previously discussed with respect to claim 55 above.

Regarding claim 70, Tanaka discloses a computer readable medium storing a computer program for implementing the information processing method described in claim 68 (a RAM as storing means which forms an operation area when the programs are executed) (7:44-64).

Regarding claim 71, this claim recites same limitations as claim 70. Thus it is analyzed and rejected as previously discussed with respect to claim 70 above.

Claim Rejections - 35 USC § 103

12. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
13. Claims 46 and 59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (US 7,327,387) in view of Yamazaki (US 6,724,777).

Regarding claim 46, the limitations of claim 42 are taught above, the Tanaka references does not specifically teach that the part of the attribute information to be received requires less time to receive than the rest of the attribute information not to be received. However, Yamazaki discloses the part of the attribute information to be received requires less time to receive than the rest of the attribute information not to be received (transferring all the data at once requires less time than transferring the same data piecemeal, the time required to transmit all the data is minimized to improve the data communication efficiency) (9:16-32, Yamazaki).

Thus, it would have been obvious to one of ordinary skill in the art to have included the wireless communication system as taught by Yamazaki into Tanaka's data transfer method, as to provide a data transfer method wherein the first processor selects the data packet number and the predetermined re-transmission number, therefore the determination can be reliably performed at high speed (9:16-32, Yamazaki).

Regarding claim 59, this claim recites same limitations as claim 46. Thus it is analyzed and rejected as previously discussed with respect to claim 46 above.

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14. Claims 48 and 61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (US 7,327,387) in view of Chiba (US 2001/0047403).

Regarding claim 48, the limitations of claim 42 are taught above, the Tanaka references does not specifically teach that the part of the attribute information of the file not to be received by said reception unit includes information obtainable by analyzing the file. However, Chiba discloses the part of the attribute information of the file not to be received by said reception unit includes information obtainable by analyzing the file (if data transfer request information is not received (NO at S200), control returns to S200 to wait for reception of data transfer request information) ([0036], Chiba).

Thus, it would have been obvious to one of ordinary skill in the art to have included the wireless communication system as taught by Chiba into Tanaka's data transfer method, as to provide a data transfer method where a user can easily select required information and transfer information such as a web page to a predetermined information communication terminal (9:16-32, Yamazaki).

Regarding claim 61, this claim recites same limitations as claim 48. Thus it is analyzed and rejected as previously discussed with respect to claim 48 above.

15. Claims 53 and 66 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka (US 7,327,387) in view of Yamazaki (US 6,785,727).

Regarding claim 53, the limitations of claim 42 are taught above, the Tanaka references does not specifically teach that the part of the attribute information of the file to be transmitted by said transmission unit includes information obtainable without analyzing the file. However, Yamazaki discloses the part of the attribute information of the file to be

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transmitted by said transmission unit includes information obtainable without analyzing the file (it is possible to reserve resources without analyzing job data at the printer side by receiving the setting about resources to be secured while the setting is attached to job data) (27:50-53, Yamazaki).

Thus, it would have been obvious to one of ordinary skill in the art to have included the wireless communication system as taught by Yamazaki into Tanaka's data transfer method, as to make it possible to preferentially process a job of a reserver in a reserved time zone by making a specified user use a printer in a certain time zone and excluding jobs of other users (2:4-8, Yamazaki).

Regarding claim 66, this claim recites same limitations as claim 53. Thus it is analyzed and rejected as previously discussed with respect to claim 53 above.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Endsley et al. (US 7,034,880) discloses a method for transferring digital images using a camera having a capture device for capturing digital images, a digital memory for storing the captured digital images, and communication means for transmitting the captured digital images to a service provider,
- Niikawa (US 6,947,075) provides a photographing apparatus which is connectable to a network to a plurality of image processing apparatuses are connected via cables or by wireless, and

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- Fichtner (US 7,170,551) discloses an automatic transfer of image information between imaging device and host system wherein the host system detects that an imaging device is connected to the host system. In response to detecting the imaging device, one or more images are transferred between the imaging device and the host system.

Inquiries

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Wang whose telephone number is 571-270-1703. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-270-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Tuan V Ho/

Primary Examiner, Art Unit 2622

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